

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 432

Introduced by Assembly Member Chang
(Coauthors: Assembly Members Maienschein and Patterson)

February 19, 2015

An act to amend Sections 17, 581d, 582, and 1003 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL’S DIGEST

AB 432, as amended, Chang. Civil procedure: electronic signatures.

(1) Existing law provides definitions for particular terms used within the Code of Civil Procedure, including the terms “signature” or “subscription,” which are defined to include a mark of a person, when the person cannot write, with his or her name being written near it by a person who writes his or her own name as a witness, as specified.

This bill would provide that the terms “signature” or “subscription” would also include an electronic signature, defined as an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(2) Existing law provides, in a dismissal of an action by a court, that the court is required to sign a written order and file the order in the action, which constitutes a judgment that is effective for all purposes. In all other cases, existing law provides that judgment is required to be rendered on the merits.

This bill would require all judgments to be signed by the court, and would provide that an electronic signature is effective as an original signature.

The bill also would include technical changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17 of the Code of Civil Procedure is
2 amended to read:

3 17. (a) Words used in this code in the present tense include
4 the future as well as the present. Words used in the masculine
5 gender include the feminine and neuter. The singular number
6 includes the plural and the plural number includes the singular.

7 (b) As used in this code, the following words have the following
8 meanings, unless otherwise apparent from the context:

9 (1) "Affinity" signifies the connection existing in consequence
10 of marriage, between each of the married persons and the blood
11 relatives of the other when applied to the marriage relation.

12 (2) "County" includes "city and county."

13 (3) "Month" means a calendar month, unless otherwise
14 expressed.

15 (4) "Oath" includes an affirmation or declaration.

16 (A) "Depose" includes any written statement made under oath
17 or affirmation.

18 (B) "Testify" includes any mode of oral statement made under
19 oath or affirmation.

20 (5) "Person" includes a corporation as well as a natural person.

21 (6) "Process" signifies a writ or summons issued in the course
22 of a judicial proceeding.

23 (7) "Property" includes both personal and real property.

24 (A) "Personal property" includes money, goods, chattels, things
25 in action, and evidences of debt.

26 (B) "Real property" is coextensive with lands, tenements, and
27 hereditaments.

28 (8) "Section" refers to a section of this code, unless some other
29 code or statute is expressly mentioned.

30 (9) "Sheriff" includes marshal.

31 (10) "Signature" or "subscription" includes both of the
32 following:

33 (A) An electronic signature, which is an electronic sound,
34 symbol, or process attached to or logically associated with an

1 electronic record and executed or adopted by a person with the
2 intent to sign the electronic record.

3 (B) A mark of a person's name, if the person cannot write, with
4 his or her name being written near it by a person who writes his
5 or her own name as a witness. In order that a mark may be
6 acknowledged or serve as the signature to any sworn statement, it
7 shall be witnessed by two persons who shall subscribe their own
8 names as witnesses thereto.

9 (11) "State" includes the District of Columbia and the territories
10 when applied to the different parts of the United States, and the
11 words "United States" may include the district and territories.

12 (12) "Will" includes codicil.

13 (13) "Writ" means an order or precept in writing, issued in the
14 name of the people, or of a court or judicial officer.

15 (14) "Writing" includes printing and typewriting.

16 SEC. 2. Section 581d of the Code of Civil Procedure is
17 amended to read:

18 581d. (a) A written dismissal of an action shall be entered in
19 the clerk's register and is effective for all purposes when so entered.

20 (b) All dismissals ordered by the court shall be in the form of
21 a written order signed by the court and filed in the action, and shall
22 constitute judgments that are effective for all purposes. An
23 electronic signature by the court shall be effective as an original
24 signature. The clerk shall note the judgments in the register of
25 actions in the case.

26 SEC. 3. Section 582 of the Code of Civil Procedure is amended
27 to read:

28 582. In all other cases, judgment shall be rendered on the
29 merits. The judgment shall be signed by the court. An electronic
30 signature by the court shall be effective as an original signature.

31 SEC. 4. Section 1003 of the Code of Civil Procedure is
32 amended to read:

33 1003. (a) Every direction of a court or judge, made or entered
34 in writing, and not included in a judgment, is denominated an
35 order. An application for an order is a motion.

36 (b) If any provision of this code requires the court to sign an
37 order, an electronic signature shall be effective as an original
38 signature.